

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIGI ABREU, *Individually and On Behalf of
All Others Similarly Situated*,

Plaintiff,

-against-

WHITE WATER GEAR INC.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 9/2/2022

22-cv-3604-MKV

ORDER OF DISMISSAL

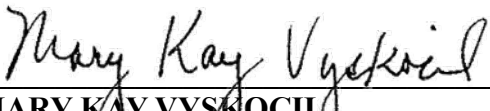
MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter from the plaintiff stating that the parties have reached a settlement in principle [ECF No. 10]. Accordingly, IT IS HEREBY ORDERED that the above-captioned case is discontinued without costs to any party and without prejudice to restoring the case to this Court's calendar if the application to restore is made by October 3, 2022. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004). All other dates and deadlines are adjourned *sine die*.

The parties are on notice that the Court will not reopen this case merely because the plaintiff has not yet "received the consideration required" under the terms of the settlement agreement [ECF No. 10]. In any request to restore the case to the Court's calendar, the parties must specify that they have not signed a settlement agreement.

SO ORDERED.

Date: September 2, 2022
New York, NY


MARY KAY VYSKOCIL
United States District Judge